

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, PR

JOSE RAMON RIVERA ROSA,
et al.,

Plaintiffs,

v.

CIVIL NO. 98-1734 (RLA)

MINDY LEE CORPORATION,
et al.,

Defendants.

**ORDER DISMISSING ADDITIONAL DEFENDANTS
AND SCHEDULING PRETRIAL/SETTLEMENT CONFERENCE AND TRIAL**

DISMISSAL OF ADDITIONAL DEFENDANTS

Plaintiffs have failed to serve the additional defendants named in the second amended complaint with process by the deadlines set by the Court.¹ Accordingly, the Motion Requesting the Issuance of Summons, filed on September 16, 1999 (docket No. 43) is **DENIED AS UNTIMELY.**

It is further ORDERED that the Special Appearance Requesting Dismissal... filed on September 24, 1999 (docket No. 44) and Motion Requesting that Dispositive Motion be Considered and Decided without Opposition, filed on October 22, 1999 (docket No. 45) are **GRANTED.**

¹ See Minutes of Settlement Conference Held on August 24, 1999 (docket No. 38).

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Based on the foregoing the claims asserted in the second amended complaint against codefendants: (1) RONI BRA INC., (2) S.K. BRA, INC. and (3) CARNIVAL CREATION, INC. are hereby **DISMISSED**.

JURY TRIAL

JURY TRIAL in this action is hereby set for **February 1, 2000** at **9:30 a.m.**

PRETRIAL/SETTLEMENT CONFERENCE

The SETTLEMENT CONFERENCE scheduled for January 20, 2000² is changed instead to a **PRETRIAL/SETTLEMENT CONFERENCE**, to be held before the undersigned,³ on **January 20, 2000 at 2:30 p.m.**

A Proposed Joint Pretrial Order⁴ shall be filed **on or before January 13, 2000** and shall contain the following:

I. Nature of the Case

A statement of the nature of the case agreed upon by all parties which shall include issues of jurisdiction. In the event that the parties cannot agree upon a single description, separate versions shall be submitted.

² See Minutes of Settlement Conference Held on August 24, 1999 (docket No. 38).

³ The parties shall contact the undersigned's chambers to verify where the conference will be held.

⁴ A courtesy copy to be delivered directly to the chambers of the undersigned.

II. Theories of the Parties

Each party shall present concisely its pertinent legal theories including applicable citations to statutes and caselaw. Counsel are directed to fully disclose all trial issues since the Proposed Joint Pretrial Order will supersede the pleadings in establishing the issues to be heard and considered at trial.

III. Admitted Facts

The parties shall provide a comprehensive listing of all admitted or stipulated facts.

IV. Contested Facts

The parties shall provide a listing of contested facts.

V. List of Exhibits

This section shall contain a listing of all exhibits which have been pre-marked/numbered. Each exhibit shall be identified by a descriptive title as well as its identification number. The parties shall indicate those exhibits, if any, which are not objected to by opposing counsel.

VI. Depositions

The party wishing to use deposition testimony at trial shall list the depositions. Additionally, designations and objections shall be submitted in accordance with the

undersigned's STANDING ORDER FOR CIVIL TRIALS issued on February 10, 1994.

VII. Witnesses and Interpreters

Each party shall identify witnesses to be presented at trial and include a brief, one paragraph, offer of proof.

Additionally, the parties shall specifically identify those witnesses who will need the services of a court-certified interpreter during trial.

VIII. Expert Witnesses and Interpreters

Each party shall list its expert witnesses and include his/her curriculum vitae and an offer of proof. If an expert report has been produced, the report shall be submitted in conjunction with the offer of proof. Additionally, the parties shall specifically identify those experts who will need the services of a court-certified interpreter during trial.

IX. Itemized Statement of Special Damages

In anticipation that the issue of special damages may arise, an itemized statement of special damages shall be incorporated into the Proposed Joint Pretrial Order. The party or parties not in agreement with the proposed statement shall include its/their opposition in this section.

X. Estimated Length of Trial

Parties shall indicate the estimated length of trial.

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The Proposed Joint Pretrial Order may be modified by this Court only upon a showing of good cause.

STANDING ORDER

The parties shall file a TRIAL BRIEF, PROPOSED JURY INSTRUCTIONS, PROPOSED VOIR DIRE and PROPOSED VERDICT FORM⁵ no later than **January 26, 2000** in accordance with the undersigned's STANDING ORDER FOR CIVIL TRIALS issued on **February 10, 1994**.

The parties shall make the necessary arrangements with the courtroom deputy clerk to have the evidence marked prior to trial.⁶

IT IS SO ORDERED.

San Juan, Puerto Rico, this 14th day of November, 1999.



RAYMOND L. ACOSTA
United States District Judge

⁵ Courtesy copies of all these documents shall be delivered directly to the chambers of the undersigned.

⁶ The parties shall furnish the undersigned an additional copy of all documents intended to be presented as evidence at trial.

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SUMMARY OF DEADLINES AND SETTINGS

1/13/2000 Deadline for filing JOINT PRETRIAL ORDER

1/20/2000 PRETRIAL/SETTLEMENT CONFERENCE at 2:30 p.m.

1/26/2000 Deadline for filing TRIAL BRIEF, PROPOSED
JURY INSTRUCTIONS, PROPOSED VOIR DIRE and
PROPOSED VERDICT FORM

**** Parties to mark evidence prior to trial

**** Parties to provide the court copy of all documents
intended to be presented as evidence at trial.

2/1/2000 JURY TRIAL at 9:30 a.m.